THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.26051 OF 2005

Dated: 08-12-2005

Between

Putta Padmaja, W/o. Adinarayana, Occ: FPS Dealer, R/o. H.No.1-87, Dayyavaram (V) Kurichedu Mandal, Prakasam District.

...PETITIONER

AND

Revenue Divisional Officer, Kandukuru Division, Prakasam District.

...RESPONDENT

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondent in issuing the notification No.RCF/2036/05 dated 22.11.2005 for allotment of Fair Price Shop Dealership to the scheduled caste category at Byyavaram Village, Kurichedu Mandal, Prakasam District as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner was appointed as the temporary dealer of the said fair price shop in the year 1998 and he has been discharging his duties without any complaints whatsoever. While so, the respondent issued notification dated 22.11.2005 for allotting the said fair price shop in favour of schedule caste category. He further submits that the respondent without following the guidelines envisaged in G.O.Ms.No.53 dated 06.10.2003 and without following the rule of reservation and without maintaining the proper percentage of reservations for all categories, which is 15% for general category, 25% for BCs, 15% for SCs, 6% for ST, 3% for PH and 30% for women,

issued the impugned notification. He further submits that there are total 24 shops in the Mandal, out of which 18 shops were allotted to general category, 6 shops for BCs and 4 shops for SCs. It is further submitted that allotting more than four shops out of 24 shops exceeds the 6% reservation given to SCs, therefore the said shop is to be allotted to general category.

Admittedly the petitioner is only a temporary dealer of the said fair price shop. Any appointment as temporary dealer subsists till the appointment is made on permanent basis by the appointing authority.

No particulars have been furnished about the total number of shops in the Kandukur Revenue Division and even otherwise the reservation of the shop in question in favour of SC category does not exceed the 15% as contended by the petitioner. However, as the revenue division is the criteria to implement the rule of reservation and the petitioner being only a temporary dealer, he has no vested right to question the appointment of a dealer on permanent basis.

The writ petition is accordingly dismissed.

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V. ESWARAIAH, J

December 8, 2005

DSK